

PUBLIC CHAPTER NO. 356**HOUSE BILL NO. 1426****By Representatives John DeBerry, Ferguson, Hardaway****Substituted for: Senate Bill No. 1489****By Senators Ford, Marrero**

AN ACT to amend Tennessee Code Annotated, Title 33, relative to family member involvement in mental health services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 3, Part 1, is amended by adding the following as a new section:

33-3-127. (a) A service recipient for services under chapter 6 of this title shall be given an opportunity to approve and sign an information release that authorizes the facility or program to release certain information concerning the recipient to certain family members and other designated persons. This opportunity shall be offered when the recipient is entering inpatient treatment at a facility, is in an emergency room or in a crisis response setting. This opportunity shall be offered to the recipient at the time of admission and periodically thereafter so long as the recipient is in residence for treatment.

(b) The service recipient may withdraw his or her authority to release all information previously authorized, withdraw his or her authority to release the information to any individual(s) previously authorized or modify either the type of information authorized in subsection (c) or the individual(s) to whom the information may be provided. All such changes must be executed in writing by the service recipient or:

- (1) The conservator of the service recipient;
- (2) The attorney in fact under a power of attorney who has the right to make disclosures under the power;
- (3) The parent, legal guardian, or legal custodian of a service recipient who is a child;
- (4) The service recipient's guardian ad litem for the purposes of the litigation in which the guardian ad litem serves;
- (5) The treatment review committee for a service recipient who has been involuntarily committed;

(6) The executor, administrator or personal representative on behalf of a deceased service recipient; or

(7) The caregiver under title 34, chapter 6, part 3.

(c) The information release shall provide the recipient options for authorized disclosures to:

(1) Specified family members that discloses only location;

(2) Specified family members who are to be involved with discharge instructions and linking to other services; and

(3) Specified family who are to be involved in and supportive in the treatment process.

(d) The department shall encourage education of mental health care providers regarding accepting information from family members in the course of the treatment process.

SECTION 2. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: May 24, 2007


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 5th day of June 2007


PHIL BREDESEN, GOVERNOR